

**CONDITIONS OF APPROVAL - ADOPTED  
CITY COUNCIL RESOLUTION 94-073  
TENTATIVE TRACT MAP 28034 (KLEINE)  
NOVEMBER 15, 1994**

\* Modified by City Council on November 15, 1994

**GENERAL:**

1. Tentative Tract Map 28034 shall comply with the requirements and standards of the State Subdivision Map Act and the City of La Quinta Land Division Ordinance, unless otherwise modified by the following conditions.
2. This tentative tract map approval shall expire and become void within two years of City Council approval unless extended pursuant to the City's Subdivision Ordinance.
3. Tract phasing plans, including phasing of public improvements, shall be submitted for review and approval by the City Engineer and the Planning and Development Department prior to any grading permit for development.
4. Prior to the issuance of a grading or building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following public agencies:
  - City Fire Marshal
  - Public Works Department (Grading Permit, Improvement Permit)
  - Planning and Development Department
  - Riverside Co. Environmental Health Department
  - Coachella Valley Water District
  - Imperial Irrigation District
  - California Regional Water Quality Control Board (NPDES Permit)

Applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approvals and signatures on the plans.

Evidence of said permits or clearances from the above mentioned agencies shall be presented to the Building Division at the time of the application for a building permit for the use contemplated herewith.

5. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee program in effect at the time of issuance of building permits.

6. Construction shall comply with all local and State building code requirements as determined by the Building and Safety Director.

**IMPROVEMENT AGREEMENT:**

7. Applicant shall construct, or enter into an agreement to construct, the on- and off-site grading, streets, utilities, landscaping, on-site common area improvements, and any other improvements required by these conditions before approval of the final map(s) under this tentative tract map.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

8. If tract improvements are phased with multiple final maps, off-site improvements (i.e., streets) and tract-wide improvements (i.e., perimeter walls and landscaping, common drainage basins, and perimeter landscaping) shall be constructed or secured prior to approval of the first final map unless approved by the City Engineer.

9. The City Engineer may consider proposals by the applicant to stage the installation of off-site and common-area improvements with development of two or more phases within the tentative map.

The applicant shall pay cash or provide security in guarantee of cash payment for required improvements which are deferred for future construction by others.

Deferred improvements for this tract include:

- A. Avenue 58 - one half of 86-foot full width improvement including raised, landscaped median, and 8-foot meandering sidewalk.
- B. Traffic signal at Avenue 58 and Madison Street - 6% of the cost to design and construct.

The applicant's responsibility for deferred improvements may be satisfied through participation in a City major thoroughfare improvement program if this development becomes subject to such a program.

**DEDICATIONS:**

10. The applicant shall dedicate public street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.

Dedications required of this tract include:

- A. Avenue 58 - sufficient right of way to achieve 55' half width

11. The applicant shall dedicate 10-foot-wide public utility easements contiguous with and along both sides of all private streets.
12. The applicant shall dedicate a 20'-wide common-area setback lot along Avenue 58. The minimum width may be used as average width for a meandering wall design.
13. Applicant shall vacate vehicle access rights to Avenue 58 from abutting lots. Access to Avenue 58 shall be restricted to the main tract entry and emergency access locations.
14. Applicant shall dedicate any easements necessary for placement of and access to utility lines and structures, park lands, drainage basins, common areas, and mail-box clusters.
15. Applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval by the City Council and the date of recording of the final map unless such easements are approved by the City Engineer.

**TRACT DESIGN:**

16. Development of the project site shall comply with the approved tentative tract map (Exhibit A), as contained in the Community Development Department's file for Tentative Tract 28034, and the following conditions, which conditions shall take precedence in the event of any conflict with the provisions of the tentative tract map.
17. Any minor changes in lot mix, sizes, lines, or shapes, or street alignments, shall be reviewed and approved by the Community Development Department prior to any final map approvals for recordation.
18. A noise study shall be prepared by a qualified acoustical engineer, and be submitted to the Community Development Department for review and approval prior to final map approval. The study shall concentrate on noise impacts on the tract from perimeter arterial streets, and recommend alternative mitigation techniques. Recommendations of the study shall be incorporated into the tract design. The study shall consider use of building setbacks, engineering design, building orientation, noise barriers (berming, walls, and landscaping, etc.), and other techniques so as to avoid the isolated appearance given by walled developments.
19. A minimum six-foot-high, solid masonry wall shall be provided along the tract boundary prior to a building permit being issued.
20. All lighting facilities shall comply with Chapter 9.210 (Outdoor Light Control) and be designed to minimize light and glare impacts to surrounding property. All lighting to be installed shall be subject to review and approval by the Planning and Development Department.

Applicant shall submit plans for street lighting along roads, if any, for review and approval by the Planning and Development Department.

## **BUILDING AND SITE DESIGN:**

**21.**

The development of custom, single-family lots shall be governed by the following:

- A. The applicant shall establish a Design Review Committee to review and approve all development within Tentative Tract 28034. The main objectives of this Committee shall be to assure that building architecture, building materials and colors, building height and setbacks, and landscape design follow appropriate design themes throughout the tract. Procedures and operation of the committee shall be set forth in the Tract's CC & R's.
- B. Applicant shall establish within the CC&R's site design standards appropriate to the custom lots, including but not limited to, front, side and rear setbacks, lot coverage, etc. Standards shall be reviewed and approved by the Community Development Department as part of its review of the CC&R's, but be no less restrictive than the R-1 Zone standards, as appropriate.
- C. Property lines and perimeter walls for all residential units shall be located at the top of the graded slope for each parcel.
- D. Prior to issuance of an occupancy permit for any house within the project, the required landscaping/groundcover shall be installed and appropriately maintained. Type of planting, method of installation, and maintenance techniques shall be subject to plan approval by the Planning and Development Department.
- E. All roof-mounted equipment shall be screened from view at all sides by design of the house.
- F. No two-story units shall be allowed within 150-feet of Avenue 58. The maximum height of the residential unit within 150-feet of Avenue 58 shall be 21-feet.
- G. The minimum dwelling unit (living area) size for all residential units shall be 1,400 square feet (excluding attached or detached parking garage).
- H. All dwelling units shall have a minimum two car garage measuring 20-feet by 20-feet in overall size. The garage can be either attached or detached.
- I. All roofing material within the project shall be clay or concrete tile barrel. The color of the roof tiles shall consist of desert hues.
- J. All residences/dwellings are required to have illuminated building address number per the La Quinta Municipal Code.

## **GRADING:**

22. Prior to occupation of the project site for construction purposes (i.e., grading), the applicant shall submit and receive approval of a fugitive dust control plan prepared in accordance with Chapter 6.10, La Quinta Municipal Code. In accordance with said Chapter, the applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit. Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development and Public Works Departments and consistent with the approved Fugitive Dust Control plan.
23. The applicant shall comply with the City's Flood Protection Ordinance.
24. Prior to issuance of a grading permit, the applicant shall prepare and submit a written report to the Planning and Development Director demonstrating compliance with those Conditions of Approval and mitigation measures of Environmental Assessment 94-283 and Tentative Tract 28034, which must be satisfied prior to the issuance of a grading permit. Prior to the issuance of a building permit, the Applicant shall prepare and submit a written report to the Planning and Development Director demonstrating compliance with those conditions of approval and mitigation measures of Environmental Assessment 94-283 and Tentative Tract 28034, which must be satisfied prior to the issuance of a building permit. Prior to final building inspection approval, the Applicant shall prepare and submit a written report to the Planning and Development Director demonstrating compliance with all remaining Conditions of Approval and mitigating measures of Environmental Assessment 94-283 and Tentative Tract 28034. The Planning and Development Director may require inspections or other monitoring to assure such compliance.
25. A grading plan shall be prepared by a registered civil engineer. The plan shall be submitted on 24" x 36" media and must meet the approval of the City Engineer prior to final map approval.

The grading plan shall conform with the recommendations of the soils report. The soils engineer and/or the engineering geologist shall certify to the adequacy of the grading plan. A statement shall appear on the final subdivision map that a soils report has been prepared for the tract pursuant to Section 17953 of the Health and Safety Code.

Prior to issuance of any building permit the applicant shall provide a separate document bearing the seal and signature of a California registered civil engineer, geotechnical engineer, or surveyor that lists actual building pad elevations. The document shall, for each building pad in the tract, state the pad elevation approved on the grading plan, the as-built elevation, and shall clearly identify the difference, if any. The data shall be organized by tract phase and lot number and shall be cumulative if the data is submitted at different times.



26. A thorough preliminary engineering, geological and soils engineering investigation shall be conducted. The report of investigation ("the soils report") shall be submitted with the grading plan.

#### **DRAINAGE:**

27. The tract shall be graded to permit storm flow in excess of retention capacity to flow out of the tract through a designated overflow outlet and into the historic drainage relief route. The tract shall be graded to receive storm flow from adjoining property at locations that have historically received flow.
- \*28. Storm water run-off produced in 24 hours during a 100-year storm shall be retained on site in the common retention basin. The tributary drainage area for which the applicant is responsible shall extend to the centerline of adjacent public streets.
29. In design of retention facilities, the percolation rate shall be considered to be zero unless Applicant provides site-specific data that indicates otherwise. Retention basin slopes shall not exceed 3:1. The maximum retention pool shall not exceed six feet in depth.
30. A trickling sand filter and leachfield shall be installed to percolate nuisance water in conformance with requirements of the City Engineer. The sand filter and leach field shall be sized to percolate 22 gallons per day per 1,000 square feet of drainage area.
31. The design of the tract shall not cause any change in flood boundaries, levels or frequencies in any area outside the tract.

#### **UTILITIES:**

32. All existing and proposed utilities adjacent to or on the proposed site or shall be installed in underground facilities. High-voltage power lines which the power authority will not accept underground are exempt from this requirement.
33. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to construction of the surface improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.
34. The applicant shall comply with the requirements of the Coachella Valley Water District as required in their letters of September 8, and October 3, 1994, on file in the Community Development Department.

#### **STREET AND TRAFFIC IMPROVEMENTS:**

35. The City is contemplating adoption of a major thoroughfare improvements program. If the program is in effect at least 60 days prior to recordation of this map, this project shall be subject to the provisions of the ordinance. The ordinance is intended to distribute the cost of major thoroughfare construction evenly and fairly on undeveloped land at the time the land is subdivided or developed for beneficial use.

If the ordinance is not adopted 60 days prior to recordation of this map, Applicant shall construct street improvements within and contiguous to the tract as listed below.

36. Improvement plans for all on- and off-site streets and access gates shall be prepared by a registered civil engineer. Plans shall be submitted on 24" x 36" media. Improvements shall be designed and constructed in accordance with the La Quinta Municipal Code, adopted Standard Drawings, and as approved by the City Engineer.

Street right of way geometry for cul-de-sacs, knuckle turns and corner cut-backs shall conform with Riverside County standard Drawings #800, #801, and #805 respectively unless otherwise approved by the City Engineer.

Street pavement sections shall be based on a Caltrans design procedure for a 20-year life and shall consider soil strength and anticipated traffic loading, including site and building construction traffic. The minimum pavement sections shall be as follows:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/5.00"
Primary Arterial	4.5"/6.00"
Major Arterial	4.5"/6.00"
	5.5"/6.50"

If the applicant proposes to construct a partial pavement section for use during development of the tract, the partial section shall be designed with a strength equivalent to the 20-year design strength.

37. Improvements shall include all appurtenances such as traffic signs, channelization markings, raised medians if required, street name signs, sidewalks, and centralized mail delivery units approved in design and location by the U.S. Post Office and the City Engineer. Mid-block street lighting is not required.
38. The City Engineer may require miscellaneous incidental improvements and enhancements to existing improvements as necessary to integrate the new work with existing improvements and provide a finished product conforming with City standards and practices. This may include, but is not limited to, street width transitions extending beyond street centerlines.
39. The following street improvements shall be constructed to conform with the General Plan street type noted in parentheses:
- A. Private Residential - 36 feet wide with curb and gutter along both sides.
40. Access points and turning movements of traffic shall be restricted as follows:
- A. Main entry drive-right in/right out only.

### LANDSCAPING:

41. The applicant shall provide landscape improvements in the setback lots along the following streets:

A: Avenue 58

The applicant is encouraged to minimize steep slope designs within the perimeter landscaping setback areas. Use of lawn shall be minimized with no lawn or spray irrigation within 5-feet of curbs along public streets.

42. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Unless otherwise approved by the City Engineer, common basins and park areas shall be designed with a turf grass surface which can be mowed with standard tractor-mounted equipment.

43. Landscape and irrigation plans for landscaped lots, common retention basins and park facilities shall be prepared by a licensed landscape architect. Plans shall be submitted on 24" x 36" media.

Landscape and irrigation plans shall meet the requirements of and be signed by the Planning Director, the City Engineer, the Coachella Valley Water District, and the Riverside County Agricultural Commissioner.

44. The applicant shall insure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.

### PUBLIC SERVICES:

45. Schedule B fire protection approved Super fire hydrants, (6" x 4" x 2½" x 2½") shall be located at each street intersection spaced not more than 660 feet apart. Minimum fire flow shall be 1000 gpm for 2 hours duration at 20 psi.
46. Prior to recordation of the final map, applicant/developer shall furnish one blueline copy of the water system plans to the Fire Department for review/approval. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed/approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."
47. The required water system including fire hydrants shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
48. A temporary water supply for fire protection may be allowed for the construction of the model units only. Plans for a temporary water system must be submitted to the Fire Department for review prior to issuance of building permits.



49. Gates installed to restrict access shall be power operated and equipped with a Fire Department override system consisting of Knox key operated switches, series KS-2P with dust cover, mounted per recommended standard of the Knox Company. Improvement plans for the entry street and gates shall be submitted to the Fire Department for review/approval prior to installation.
50. Parking on interior streets shall be limited to one side only.

#### **QUALITY ASSURANCE:**

51. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
52. The applicant shall employ or retain California registered civil engineers, geotechnical engineers, or surveyors, as appropriate, who will provide, or have his or her agents provide sufficient supervision and verification of the construction to be able to furnish and sign accurate record drawings and certify compliance of all work with approved plans, specifications and applicable codes.
53. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans signed by the City Engineer. Each sheet of the drawings shall have the words "Record Drawings," "As-Built" or "As-Constructed" clearly marked on each sheet and be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings.

#### **MAINTENANCE:**

54. The applicant shall make provisions for continuous maintenance of landscaping and related improvements in landscaped setbacks, retention basins and other public or common areas until those areas have been accepted for maintenance by the City's Landscape and Lighting District or a homeowner's association (HOA). The applicant shall maintain all other improvements until final acceptance of improvements by the City Council.
55. The applicant shall provide an Executive Summary Maintenance Booklet for streets, landscaping and related improvements, perimeter walls, drainage facilities, or any other improvements to be maintained by an HOA. The booklet should include drawings of the facilities, recommended maintenance procedures and frequency, and a costing algorithm with fixed and variable factors to assist the HOA in planning for routine and long term maintenance.

#### **MANAGEMENT:**

56. Prior to the recordation of the final map, the applicant shall submit to the Planning Director the following documents which shall demonstrate to the satisfaction of the City that the open space/recreation areas and private streets and drives shall be maintained in accordance with the intent and purpose of this approval.

- A. The document to convey title;
- B. Covenants, Conditions, and Restrictions to be recorded; and,
- C. Management and Maintenance Agreement to be entered into with the unit/lot owners of this land division.

The approved Covenants, Conditions, and Restrictions shall be recorded at the same time that the final subdivision map is recorded.

A homeowner's association, with the unqualified right to assess the owners of the individual units for reasonable maintenance costs, shall be established and continuously maintained. The association shall have the right to lien the property of any owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than a first deed of trust, provided that such deed of trust is made in good faith and for value and is of record prior to the lien of the homeowners association.

#### **FEES AND DEPOSITS:**

- 57. The California Fish and Game Environmental filing fees shall be paid. The fee is \$1,250.00 plus \$78.00 for the Riverside County document processing. The fee shall be paid within 24 hours after review by the City Council.
- 58. Applicant shall pay all fees and deposits required by the City for plan checking and construction inspection. The fee and deposit amount(s) shall be those which are in effect when the applicant makes application for the plan checks and permits.

#### **MISCELLANEOUS:**

- 59. Plans for grading, drainage, streets, lighting, landscaping & irrigation, parks, gates, and perimeter walls are not approved for construction until they have been signed by the City Engineer.
- 60. Appropriate approvals shall be secured prior to establishing any construction or sales facilities, and/or signs on the subject property.
- 61. Prior to issuance of Certificates of Occupancy for buildings within the tract, the applicant shall install traffic control devices and street name signs along access roads to those buildings.
- 62. Prior to any site disturbance or grading, the applicant/developer shall initiate an on-site paleontological survey based on the information contained in Specific Plans 90-015, 016 & 017 FEIR (Appendix "G"). This delineation study shall be submitted to the City for approval.

Paleontological monitoring of grading shall be required for cuts made during construction activity. Full time monitoring shall be required, given the ubiquitous distribution of paleobiological remains on the project site. The mitigating shall be done under the

supervision of a qualified vertebrate paleontologist knowledgeable in both paleontological and archaeological sampling techniques. This program shall include a report identifying contact personnel who will be working on-site, the proposed time schedule for grading monitoring, the qualifications of the person assigned to do such monitoring and the method to be used in reporting on compliance to the City. This report shall be approved by the City prior to the developer authorizing any work on the program itself.

63. A qualified archaeologist shall be on-site during any grading work, and shall comply with the Cultural Resources Study done for the project on September 18, 1994.

64. Prior to final map approval by the City Council, the applicant shall meet the parkland dedication requirements as set forth in Section 13.24.030, La Quinta Municipal Code, by paying parkland fees in lieu, as may be determined in accordance with said Section.